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SABLANCONST.com

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FILED  
Clerk  
District Court

MAR 18 2008

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
SABLAN CONSTRUCTION COMPANY, LTD.  
a/k/a SABLAN CORPORATION d/b/a  
SABLAN ROCK QUARRY a/k/a  
SABLAN ENTERPRISES, INC.,  
  
Defendant.

CIVIL CASE NO. CV 08 - 0015

COMPLAINT

The United States of America, acting on behalf of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, pursuant to a referral by the U.S. Department of Treasury pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq., files its original complaint to collect civil money penalties against defendant, SABLAN CONSTRUCTION COMPANY, LTD. a/k/a SABLAN CORPORATION d/b/a SABLAN ROCK QUARRY a/k/a SABLAN ENTERPRISES, INC. ("Sablan Construction"), individually and in any other name under which the company conducts business in this judicial district. The purpose of this civil action is to collect delinquent debts totaling \$1,046,836.57 as of March 19, 2007, arising from

1 numerous Civil Money Penalties imposed by OSHA on Defendant, for violations of the  
2 Occupational Health and Safety Act of 1970 and OSHA regulations at 29 C.F.R. Part  
3 1926.

4 **JURISDICTION AND VENUE**

5 1. This action arises under the Federal Debt Collections Procedures Act (FDCPA),  
6 28 U.S.C. § 3001 et seq. This Court has jurisdiction under 28 U.S.C. §1355.

7 2. Venue is proper, pursuant to 28 U.S.C. §1391(b), in this judicial district for the  
8 reason that Defendant's principal office is located in Saipan, Commonwealth of the Northern  
9 Mariana Islands, Defendant is doing business in this judicial district, and the actions complained  
10 of herein were taken by Defendant in this judicial district. Sablan Construction can be served at  
11 its principal place of business located at: Afetnas Square, P.O. Box 501944, Saipan, MP 96950.

12 **PARTIES**

13 3. At all times material to this civil action, the Department of Labor was an agency  
14 of the plaintiff, United States.

15 4. At all times material to this civil action, Sablan Construction has conducted  
16 business and the acts complained of herein and for which the enforcement of the civil money  
17 penalty is sought within this judicial district. During times material to this civil action, upon  
18 information and belief, Sablan Construction has operated its general construction business under  
19 the name "Sablan Construction Company, Ltd" as well as other names, including but not limited  
20 to: "Sablan Corporation d/b/a Sablan Rock Quarry" and "Sablan Enterprises, Inc."

21 **COUNT ONE**

22 5. On or about July 18, 1991, an OSHA safety officer conducted a comprehensive  
23 safety inspection of Defendant's operations at its Sablan Building located at Chalan Piao and  
24 found multiple violations. On October 17, 1991, Sablan Construction was issued fifteen (15)  
25 citations by OSHA, seven of which were noted to be "serious" violations.

26 6. On or about March 23, 1992, an OSHA safety officer conducted a comprehensive  
27 safety inspection of Defendant's office extension at its Chalan Piao location and found certain  
28 violations. On June 17, 1992, Sablan Construction was issued two (2) citations.

1           7.       On or about March 23, 1992, an OSHA safety inspector conducted a  
2 comprehensive safety inspection of Defendant's rooming and boarding houses located at its  
3 warehouse and barracks expansion. The OSHA inspector found two violations. On August 17,  
4 1992, issued Sablan Construction two (2) citations, of which both were noted to be "serious"  
5 violations.

6           8.       On or about April 19, 1995, an OSHA area director conducted a comprehensive  
7 health inspection of Defendant's rooming and boarding houses at the San Antonio Barracks and  
8 found certain violations. On July 14, 1995, Sablan Construction was issued two (2) citations by  
9 OSHA, one of which was noted to be a "serious" violation.

10          9.       On or about March 26, 1998, an OSHA safety officer conducted a safety  
11 inspection to investigate the fatality of Abraham Dulay, which occurred during Defendant's  
12 operations located at NE of Stanford Resort San Vice. The OSHA safety inspector found one  
13 violation. On May 11, 1998, Sablan Construction was issued one (1) citation.

14          10.      On or about July 14, 1998, an OSHA health officer conducted a comprehensive  
15 safety inspection of Defendant's rooming and boarding houses at its San Antonio location and  
16 found certain violations. On September 29, 1998, Sablan Construction was issued two (2)  
17 citations by OSHA.

18          11.      On or about July 14, 1998, an OSHA health officer conducted a comprehensive  
19 safety inspection of the Defendant's rooming and boarding houses at its Chalan Pago location  
20 and found multiple violations. On September 29, 1998, Sablan Construction was issued four (4)  
21 citations by OSHA, two of which were noted to be "serious" violations.

22          12.      On or about May 7, 2001, an OSHA health officer conducted a comprehensive  
23 health inspection of the water, sewer, and utility lines and rooming and boarding houses located  
24 at Defendant's San Antonio location. The OSHA inspector found several violations. On April  
25 23, 2001, Sablan Construction was issued four (4) citations, two of which were noted to be  
26 "repeat" violations.

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U. S. DEPARTMENT OF THE TREASURY  
FINANCIAL MANAGEMENT SERVICE  
WASHINGTON, D. C.

ACTING ON BEHALF OF  
U.S. Department of Labor, Employment Standards Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and  
Address(es):

Sablan Construction Company, Ltd.  
Post Office Box 501944  
Saipan, MP 96950

**Total debt due United States as of March 19, 2007: \$1,046,836.57**

I certify that the U.S. Department of Labor, Employment Standards Administration records show that the debtor named above is indebted to the United States in the amount stated above.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the Small Business Administration.

Date: 3/19/07

A handwritten signature in black ink, appearing to read "Edward Underwood", written over a horizontal line.

Edward Underwood

Financial Program Specialist

U.S. Department of the Treasury

Financial Management Service

